

REMARKS

This Preliminary Amendment is filed in connection with a Request for Continued Examination and in response to the Final Office Action mailed on Nov. 30th, 2005 and the Advisory Action mailed on February 23rd, 2006. All objections and rejections are respectfully traversed.

Claims 4-44 are now pending in the case.

Claims 1-3 have been cancelled without prejudice.

Claims 7, 13, and 17 have been amended to be clearer.

Claims 33-44 have been added to better claim certain aspects of the invention.

Claim Rejections - 35 U.S.C. §102

At paragraphs 1-2 of the Final Office Action, claims 1, 2, 14, 17 and 22-32 were rejected under 35 U.S.C. §102(a) as anticipated by Huxell, U.S. Patent No. 6,799,189, issued on Sept. 28th, 2004 (hereinafter Huxell).

The Applicant's claim 17, representative in part of the other rejected claims, sets forth:

17. A method for generating a backup of a set of database files associated with the database program and a set of associated log files, the method comprising the steps of:

performing a snapshot operation on the set of database files; and

copying the set of log files to a directory associated with the backup, the set of log files including information that has not yet been incorporated into the database files when the snapshot operation is performed.

Huxoll discloses a technique for taking "snapshots" of a database. Prior to taking each snapshot, the database is "queisced" or "synchronized." See col. 2, lines 36-39 and col. 6, lines 39-41. Then, the "snapshot" of the database is taken, without taking the database

offline. *See* col. 46-51. The “snapshot” is “an image of the database file(s) as they were just before the start of the database snapshot.” *See* col. 6, lined 52-54. By using Huxoll’s technique, “the time that the database is in backup mode ...may be reduced, thus dramatically reducing the number of Oracle archive log files produced.” *See* col. 7, lines 3-7.

The Applicant respectfully urges that Huxoll is silent concerning the Applicant’s claimed ***“copying the set of log files to a directory associated with the backup, the set of log files including information that has not yet been incorporated into the database files at the time the snapshot operation is performed.”***

While the Applicant claims generating a backup, in part, by ***copying the set of log files to a directory associated with the backup... including information that has not yet been incorporated into the database files***, Huxoll simply takes a “snapshot” and does not also copy log files. Huxoll discloses that a database may be “synchronized or stopped and quiesced” prior to taking of a “snapshot.” The Applicant posits such synchronization likely merges any log files into the database. Regardless, there is no suggestion in Huxoll of copying log files as part of generating a backup, in addition to taking a snapshot of the database files themselves.

Indeed, Huxoll teaches away from copying log files as part of generating a backup. First, Huxoll states at col. 1, lines 35-38 (emphasis added):

In the case of an Oracle database, for example, traditional Oracle warm backup requires expensive archiving of online redo logs. It is desirable to enable online database backups ***without requiring the overhead of logs to be maintained and those logs to be applied in order to recover the data.***

Second, Huxoll describes as an advantage that “the time that the database is in backup mode ...may be reduced, thus dramatically reducing the number of Oracle archive log files produced.” *See* col. 7, lines 3-7. Thus, Huxoll is concerned with reducing the number of log files in the active file system. Accordingly, Huxoll teaches away from ***copying log files to a directory associated with the backup***, as this would expand the use of log files.

Accordingly, the Applicant respectfully urges that Huxoll is legally insufficient to anticipate the present claims under 35 U.S.C. §102 because of the absence of the Applicant's claimed novel ***"copying the set of log files to a directory associated with the backup, the set of log files including information that has not yet been incorporated into the database files when the snapshot operation is performed."***

Claim Rejections - 35 U.S.C. §103

At paragraphs 3-4 of the Final Office Action, claims 3, 4, 6, 8-11, and 18-21 were rejected under 35 U.S.C. §103(a) as obvious over Huxoll in view of Ohran, U.S. Patent No. 5,835,953, issued on Nov. 10th, 1998 (hereinafter Ohran).

The Applicant's claim 4, representative in part of the other rejected claims, sets forth:

4. A method for generating a point-in-time restoration of a set of database files and a set of associated log files to an active file system, the method comprising the steps of:

selecting, by a user, a backup to restore therefrom, ***the backup comprising*** a snapshot of a file system including the set of database files and ***copies of the associated log files***;

verifying the selected backup for coherency;

copying, in response to the backup being coherent, the snapshot of the set of database files to the active file system; and

copying, in response to the backup being coherent, the copies of the associated log files to the active file system.

Huxoll is discussed in detail above.

Ohran discloses a backup technique for updating a backup storage device to reflect changes to a primary storage device. Ohran tracks changes to the primary storage device and only sends changed data to the backup storage device. *See* col. 5, lines 49-57. In order to track such changes, Ohran takes "static snapshots" of the primary storage device at particular times, and then compares these snapshots. *See* col. 10, lines 55 to col. 11, lines 36. The "static snapshots" are taken "when the primary storage device is in a logically consistent

state.” See col. 6, lines 5-12 and col. 17, lines 22-30. In this way, only changed data blocks are copied to the backup storage device.

The Applicant respectfully urges that Huxoll and Ohran are both silent concerning the Applicant’s claimed “*the backup comprising...copies of the associated log files*” and “*copying, in response to the backup being coherent, the copies of the associated log files to the active file system*” and “*verifying the selected backup for coherency*.”

While the Applicant claims *copying... copies of the associated log files to the active file system*, as part of a database restoration process, both Huxoll and Ohran are silent concerning such copying of log files. As described above, Huxoll simply takes a “snapshot” of the database itself, and does not suggest copying any log files to or from a directory associated with a backup. Ohran, is completely silent concerning database log files in general. Accordingly, the combination of such references in no way shows *copying... copies of the associated log files to the active file system*,

Further, while the Applicant claims *verifying the selected backup for coherency*, neither reference discloses such a feature. The Examiner agrees at page 7, line 2-3 of the Final Office Action that Huxoll is silent concerning *verifying the selected backup for coherency*, and instead turns to Ohran. Yet, Ohran merely discloses determining “when the primary storage device is in a logically consistent state” before taking a snapshot of it. See col. 6, lines 7-9 and col. 17, lines 20-32. Thus, Ohran’s “consistent state” check is directed to the primary system. Ohran makes no suggestion to *verifying the selected backup for coherency*.

Accordingly, the Applicant respectfully urges that Huxoll and Ohran, either alone or in combination, are legally insufficient to make obvious the present claims under 35 U.S.C. §103 because of the absence of the Applicant’s claimed novel “*the backup comprising...copies of the associated log files*” and “*copying, in response to the backup being coherent, the copies of the associated log files to the active file system*” and “*verifying the selected backup for coherency*.”

At paragraph 5 of the Final Office Action, claims 5, 7, 12, 13, 15 and 16 were rejected under 35 U.S.C. 103(a) as unpatentable over Huxoll in view of Ohran in further view of Lewis et al., U. S. Patent Application Publication No. 2002/0083037, published on June 27th, 2002 (hereinafter Lewis).

The Applicant respectfully notes that claims 5, 7, 12, 13, 15, and 16 are all dependent claims that depend from independent claims that are believed to be in condition for allowance. Accordingly, the dependent claims are also believed to be in condition for allowance.

In the event that the Examiner deems personal contact desirable in disposition of this case, the Examiner is encouraged to call the undersigned attorney at (617) 951-2500.

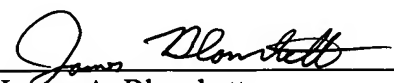
All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims.

The Applicant respectfully solicits favorable action.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,



James A. Blanchette
Reg. No. 51,477
CESARI AND MCKENNA, LLP
88 Black Falcon Avenue
Boston, MA 02210-2414
(617) 951-2500